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### **FREQUENTLY ASKED QUESTIONS ABOUT THE WASHINGTON ANIMAL TRAFFICKING ACT (WATA)**

#### What does the Washington Animal Trafficking Act (WATA) do?

In general, WATA makes it illegal to traffic in animal parts from certain different international endangered animals, or products made out of those animals. The new law makes it a crime to buy, sell, trade, or otherwise distribute those items. If the animal parts or product are worth \$250 or more, the crime is a felony. If the animal parts or product are worth less than \$250, the crime is a gross misdemeanor. There are exceptions (discussed below) for antiques, inheritance, musical instruments, and authorized, scientific, or educational transfers, and there are other important details about what the law does and doesn't cover.

#### What animals (and their parts) can't be bought, sold, or traded under the new law?

The law only covers certain species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray. The ban doesn't cover every type of those animals; WATA only bars transfer of animal parts from the species of those ten animals that are named on widely-used lists of internationally endangered species, called the CITES appendix I and II, or the IUCN "red list." You can find the CITES list at <https://cites.org/eng/app/appendices.php>, and the IUCN list at <http://www.iucnredlist.org/>.

#### What are some examples of animal parts that might be covered by the new law?

Some examples include elephant tusk, or ivory; rhinoceros horn, including powdered rhino horn; lion skin; stuffed or mounted hunting trophies of tiger, lion, leopard, or cheetah; shark fins, including those intended for soup; and marine turtle shells or meat. Whether WATA applies in any particular situation will depend on whether the specific species is on one of the lists, above.

#### Can I give away (or receive) a covered animal part as a gift?

No, unless it falls under the antique exception, inheritance exception, or one of the other exceptions discussed below.

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#### What if I want to sell or buy an antique?

The law has an exception for certain antiques. If the antique is 100 years old or older, **and** the owner can prove it with historical documentation, **and** the animal part is less than 15% by volume of the antique, then the sale is not banned by WATA.

Here are two examples:

*An individual is selling an elephant-foot umbrella stand. The seller has a copy of a prior owner's will, dated 1915, that bequeathed an elephant-foot umbrella stand to an individual, and subsequent bills of sale connecting the specific umbrella stand to the current owner. If the elephant portion of the item is less than 15% of the item's volume, the sale is not prohibited by WATA.*

*A souvenir store offers for sale a mounted leopard, with a plaque affixed that reads "Shot on safari, 1909." The store can produce photos demonstrating that the leopard trophy has been displayed in the store for 100 years. Because the leopard is more than 15% of the volume of the antique, the sale of the item is still a violation of WATA despite the age of the item.*

#### How about a musical instrument? Don't some of those have animal parts?

The law has an exception for certain musical instruments. If the animal part is less than 15%, by volume, of the instrument, then the transfer of the instrument is not banned by WATA.

Here's an example:

*A piano store sells a concert grand piano with elephant ivory keys. Because the keys are clearly less than 15% of the volume of the very large piano, the sale is not a violation of WATA.*

#### Can I leave a covered animal part to someone in my will, or can I inherit it?

Yes. If the animal product is transferred to a legal beneficiary through inheritance upon death, the transfer is not barred by WATA.

#### I want to give a covered animal part to a museum or college. Is that okay?

Yes. If the animal product is transferred for educational or scientific purpose, such as to or from a museum, then it is not barred by WATA.

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#### When did WATA take effect?

The statute went into effect December 3, 2015.

#### What can happen if I break the law?

A person who commits Unlawful Trafficking in Species Threatened with Extinction in the First Degree may be charged with a Class C felony; a person committing Unlawful Trafficking in Species Threatened with Extinction in the Second Degree may be charged with a gross misdemeanor. Both crimes can expose a violator to imprisonment and fines. Investigation authority rests with the Washington Department of Fish and Wildlife and other police and law enforcement agencies.

#### Where can I learn more?

The Washington Animal Trafficking Act is codified at RCW 77.15.135, as well as a few other sections of that chapter. You can read it at

<http://app.leg.wa.gov/rcw/default.aspx?cite=77.15.135>.